IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1544 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30/06/2004 in WP NO: 25353 of 2003 on the file of the High Court.)

Between:

1 APSRTC represented by its Chairman & Managing Director, Mushirabad,

Hyderabad.
2 APSRTC rep., by its Regional Manager, Adilabad Region, Adilabad.
3 The Depot Manager, APSRTC, Bus Depot, Adilabad District.

..... APPELLANTS

AND

Md.Toufiq, s/o late Md.Ismail,
E.No.63020 r/o 3-8-385, Panjesha, Adilabad.

.....RESPONDENT

Counsel for the Appellants:MR.P.VINAYAKA SWAMY

Counsel for the Respondent: MR.V.NARASIMHA GOUD

The Court made the following :

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned counsel for the parties.

The respondent was driver of a Bus. On 29-03-1978 he got involved in an accident, in which a passenger died and eight others received injuries. A criminal case was initiated against him and he was charge sheeted under Section 304-A IPC. Simultaneously departmental proceedings were initiated against him. He was acquitted in the criminal case and he filed a writ petition challenging the departmental proceedings in W.P.No.7893 of 1985. The Court held that:

> *"But when the charge before the disciplinary authority and the criminal Court is same, and when the accused was acquitted honourably by the Court on merits, it is not open to the departmental authorities to harass the charged officer twice over for the very same charge. As already stated, this Court in Criminal Revision Case No.635/79 has acquitted the*

petitioner on merits. Therefore, when the petitioner was acquitted of the charge on merits, it is not expedient to conduct an enquiry on the self same charge and meet out the order of dismissal from service."

Before filing of this writ petition, the respondent had been terminated from service and the Court also quashed the termination order. This judgment was appealed against and the Division Bench of this Court decided the appeal on 06-02-1996. It dismissed the appeal and upheld the order of the learned Single Judge. We are told that an SLP was also filed, which was also dismissed. Having put the respondent to inconvenience from 1985 to 1996, the appellants were not satisfied therefore, although they reinstated the respondent, they did not pay him the back wages. Therefore, again the respondent was forced to file W.P.No.25353 of 2003. This writ petition has been allowed by the learned Single Judge and the present appeal is against the same order.

We feel that the rights of the parties have been concluded by the judgment of this Court in W.P.No.7893 of 1985. When the Court was of the opinion that the termination was illegal, the appellants could not deprive the respondent from his wages. That order had become final. There is no scope for re-appreciating or re-interpreting the judgment delivered in W.P.No.7893 of 1985. The net result is that the respondent has not been paid his wages from 10-01-1979 to 30-09-1996, which is in itself unjust. Therefore, we direct that the back wages with all ancillary benefits shall be paid to the respondent, within a period of one month from today positively.

The writ appeal is accordingly dismissed. No order as to costs.

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(BILAL NAZKI, J)

25th October, 2004.

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(S.ANANDA REDDY, J)

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To

1 The Chairman & Managing Director, APSRTC, Mushirabad,

Hyderabad.
2 The Regional Manager, APSRTC, Adilabad Region, Adilabad.
3 The Depot Manager, APSRTC, Bus Depot, Adilabad District.

4 Two C.D copies